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JUL 21 2008

OFFICE OF PETITIONS

In re Application of
Tertius F. DREYER
Application No. 10/606,783
Filed: June 27, 2003
Attorney Docket No. 4000-3

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ON PETITION

This is a decision on the petition under 37 CFR 1.181 and 1.137(a), filed February 1, 2008, for supervisory review of the decision mailed January 17, 2008 and to revive the above-identified application. The petition is titled as a petition under 37 CFR 1.181 and also under 37 CFR 1.137(a).

The petition under 37 CFR 1.181 is **DISMISSED**.
The petition under 37 CFR 1.137(a) is **GRANTED**.

Petition under 37 CFR 1.181

A review of the application, and in particular the decision mailed January 17, 2008, has been made. The decision set forth the facts of the case and held that the petition filed June 28, 2007 was insufficient since it did not include a proper reply to the final office action and therefore the petition was dismissed.

As explained in the decision mailed January 17, 2008, abandonment occurs as a matter of law. On Page 4 of the decision, the Petitions Attorney went on to state:

Only the filing of a Notice of Appeal, Request for Continued Examination and submission under 37 CFR 1.114, or continuing application guarantees the pendency of the application, not filing an amendment after final rejection. Thus, the application became abandoned due to petitioner's failure to file a Notice of Appeal, RCE and submission, or continuing application prior to the period for

reply to the final Office action, and not because of any error on the part of the Office.

No irregularities are seen in the decision based upon 37 CFR 1.181 and thus it is considered to be proper.

Petition under 37 CFR 1.137(a)

The petition under 37 CFR 1.137 (a) is granted.

DECISION

The petition under 37 CFR 1.181 is hereby dismissed. The petition under 37 CFR 1.137(a) is granted. This application is being forwarded to Technology Center 3600 for entry of the amendment filed June 28, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3687.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Supervisor
Office of Petitions